

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DOROTHY J. STEMLER, an individual,

Plaintiff,

vs.

HAL ANTILLEN N.V., a Netherlands Antilles  
corporation; HOLLAND AMERICA LINE N.V.,  
a Netherlands Antilles corporation; HOLLAND  
AMERICA LINE – USA, INC., a Washington  
corporation; and HOLLAND AMERICA LINE  
INC., a Washington corporation,

Defendants.

In Law and In Admiralty

No. 2:10-CV-00122 RSM

JOINT STATUS REPORT AND  
DISCOVERY PLAN

A. Statement of the Nature and Complexity of the Case

This maritime personal injury case is not complex. Plaintiff alleges she suffered personal injuries while she was a paying passenger aboard the vessel ms VOLENDAM which was owned by defendants.

Defendants have filed an answer denying liability and asserting numerous affirmative defenses.

JOINT STATUS REPORT AND DISCOVERY  
PLAN - 1

Case No. 2:10-CV-00122 RSM

MYERS & COMPANY, P.L.L.C.  
1530 EASTLAKE AVENUE EAST  
SEATTLE, WASHINGTON 98102  
TELEPHONE (206) 398-1188

1           B.     Statement of Which ADR Method Should be Used

2           Mediation is recommended pursuant to Local Rule CR 39.1.

3           C.     When Mediation Under Local Rule CR 39.1 Should Take Place

4           The parties agree mediation should take place prior to the submission of expert witness  
5 reports and expert witness depositions. To accomplish this, the parties propose a mediation no  
6 later than January 25, 2011.

7           D.     Proposed Deadline for Joining Additional Parties

8           The parties propose August 25, 2010 - eight months prior to the trial date as the deadline  
9 for joining additional parties.

10          E.     Proposed Discovery Plan

11                   1.     *Date on which the FRCP 26(f) and FRCP 26(a) initial disclosures take*  
12                             *place*

13           The parties conferred under FRCP 26(f) on Wednesday, March 31, 2010. The court's  
14 order sets April 8, 2010 as the deadline for initial disclosures.

15                   2.     *The subjects on which discovery may be needed and whether discovery*  
16                             *should be conducted in phases or be limited to or focused upon particular*  
17                             *issues*

18           The parties agree discovery should be focused on liability and damages. The only  
19 proposed discovery phase or limitation is that the parties agree factual discovery should take  
20 place prior to expert witness discovery.

21                   3.     *What changes should be made in the limitations on discovery*

22           None at this time.

23                   4.     *A statement of how discovery will be managed to minimize expense*  
24  
25

1 The parties agree to work together to conduct discovery as informally as possible. The  
2 parties agree that they will not conduct expert witness depositions and do not need to exchange  
3 expert witness reports before a settlement offer has been submitted by plaintiff.

4 5. *Any other orders that should be entered by the Court under FRCP 26(c)*  
5 *or under Local Rule CR 16(b) and (c)*

6 None.

7 F. The Date by Which the Remainder of Discovery Can be Completed

8 The parties propose January 25, 2011 —three months prior to the trial date as the date by  
9 which the remainder of discovery can be completed.

10 G. Whether the Parties Agree That a Full-Time Magistrate Judge May Conduct All  
11 Proceedings

12 The parties do not agree that a full-time magistrate judge may conduct all proceedings.

13 H. Whether the Case Should be Bifurcated

14 The case should not be bifurcated.

15 I. Whether the pretrial statements and pretrial order called for by Local Rules CR  
16 16(3), (h), (i), and (l), and 16.1 should be dispensed with in whole or in part

17 The parties believe the pretrial statements and pretrial order should be employed in  
18 whole.

19 J. Other Suggestions for Shortening or Simplifying the Case

20 None.

21 K. Date the Case Will be Ready for Trial

22 April 25, 2011.

23 L. Whether the Trial Will be Jury or Non-Jury

24 The plaintiff requests a jury trial. The defendant requests a jury trial.  
25

1 M. Number of Trial Days Required

2 The parties anticipate that up to three days will be necessary for trial. Defendant shall be  
3 allotted approximately half of the trial days.

4 N. Names, Addresses and Telephone Numbers of All Trial Counsel

5 1. Attorneys for Plaintiff

6 MYERS & COMPANY, P.L.L.C.  
7 Michael David Myers  
8 1530 Eastlake Avenue East  
9 Seattle, Washington 98102  
10 [mmyers@myers-company.com](mailto:mmyers@myers-company.com)  
11 (206) 398-1188

12 2. Attorneys for Defendants

13 Louis A. Shields  
14 Nielsen Shields, PLLC  
15 600 Stewart Street, Suite 1703  
16 Seattle, Washington 98101  
17 [las@nielsenshields.com](mailto:las@nielsenshields.com)  
18 (206) 728-1308

19 O. If, on the due date of the Report, all defendants or responses have not been served,  
20 counsel for the plaintiff shall advise the Court when service will be effected, why  
21 it was not made earlier, and shall provide a proposed schedule for the required  
22 FRCP 26(f) conference and FRCP 26(a) initial disclosures

23 All defendants have been served or have waived service.

24 P. Whether Any Party Wishes a Scheduling Conference Prior to a Scheduling Order  
25 Being Entered in the Case

The parties shall participate in any conference requested by the Court at the Court's  
convenience.

1 DATED this 5<sup>th</sup> day of April, 2010.

2 MYERS & COMPANY, P.L.L.C.

3 Attorneys for Plaintiff

4 

5 By: \_\_\_\_\_

6 Michael David Myers

7 WSBA No. 22486

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9 Telephone: (206) 398-1188

10 Facsimile: (206) 398-1189

11 DATED this 5<sup>th</sup> day of April, 2010.

12 NIELSEN SHIELDS, PLLC

13 Attorneys for Defendants

14 

15 By: s/ per electronic authority \_\_\_\_\_

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